

מס' תיק מקורי

מחלקה

4.1987 - 3.1989

חטיבה: מוזכר ראשי - Y: District & Village Administra

תת חטיבה: ממשלת א"י - Chief Secretary's

שם תיק:

Tulkarm - פקודה להגבלת שכר-הדירה (בתי-מגורים), 1940 עזה
Rent Restriction (Dwelling Houses) Ordinance, 1940

סימול מקורי: Y/88/42 תקופת החומר: 12/1942-12/1942
מזהה פיזי: מ - 552 / 26 23/11/2010



Rent Restriction (Dwelling Hou

שם:

מ - 552 / 26

מזהה פיזי:

מס פריט: 1785430 2.25/1 - 144

מזהה לוגי:

11/12/2013 02-112-05-02-10

כתובת:

לא רשמי

מס' תיק

משרד

① D.C. Gage — G/1088/38 — 4.12.42

7/8/12

② A. G.

I am to request your advice on ①

By 9.12.52

7/9/12

(3) C.S.

x

1. If the tenant against whom eviction proceedings were taken considers that the Magistrate did not consider all the circumstances of the case, including especially the alternative accommodation available for the tenant, as he was required to do by paragraph (c) of section 8(1) of the Rent Restrictions (Dwelling-Houses) Ordinance, 1940, the tenant should appeal to the District Court.

2. While it is true that the Rent Restrictions (Dwelling-Houses) Ordinance, 1940, does not provide for the imposition of a penalty of fine or imprisonment upon the landlord if he obtained, by misrepresentation or the concealment of material facts, a judgment or order for eviction on the ground specified in paragraph (c) of section 8(1) of the Ordinance, yet, by section 8(2) of the Ordinance, in such a case, "the Court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of the judgment or order".

Furthermore, it may be possible in some cases to take criminal proceedings against the landlord for perjury. x

3. As regards the D.C.'s request at X of (1), - this Department can act on behalf of a Government officer who is a party to proceedings in his official capacity. It cannot do so where, as in the cases referred to by the D.C., an officer is a party to proceedings in his personal capacity.

7/14/12.

13th December, 1942.

for ^{HCB} ATTORNEY GENERAL.

④ D.C. Gage — 16.12.42

P.A.
B

U/98/42

16 December, 1942.

District Commissioner,
Gaza District.

Subject : Rents Restriction (Dwelling Houses)
Ordinance, 1940.

Reference: Your G/1088/38 of the 4th Decem-
ber, 1942.

I am directed to inform you that Government is advised that if the tenant against whom eviction proceedings were taken considers that the Magistrate did not consider all the circumstances of the case, including especially the alternative accommodation available for the tenant, as he was required to do by paragraph (c) of section 8(1) of the Rent Restrictions (Dwelling Houses) Ordinance, 1940, the tenant should appeal to the District Court.

2. While it is true that the Rent Restrictions (Dwelling Houses) Ordinance, 1940, does not provide for the imposition of a penalty of fine or imprisonment upon the landlord if he obtained, by misrepresentation of the concealment of material facts, a judgment or order for eviction on the ground specified in paragraph (c) of section 8(1) of the Ordinance, yet, by section 8(2) of the Ordinance, in such a case, "the Court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of the judgment or order".

P.T.O.

Furthermore, it may be possible in some cases to take criminal proceedings against the landlord for perjury.

3. As regards your request that the Law Officers should be asked to take up the cases of Government officers whom landlords are endeavouring to evict, I am to observe that the Attorney General's Department can only act on behalf of a Government officer who is a party to proceedings in his official, but not personal capacity.

(Sgd.) RUH ABDULHADI

CHIEF SECRETARY

Drafted by Mr. Sperling

Ruh Bey

15.12. HG.

GOVERNMENT OF PALESTINE

GOVERNMENT OF PALESTINE

CHIEF SECRETARY'S OFFICE

JERUSALEM

7 DEC 1942

Gen. 12.

IN REPLY PLEASE QUOTE

No. G/1088/38

DISTRICT COMMISSIONER'S OFFICES,
GAZA DISTRICT,
GAZA

4TH. DECEMBER 1942.

Chief Secretary.

Subject :- Rents Restriction (Dwelling Houses)
Ordinance, 1940.

There has been a recent court case in Gaza under Section 8(c) of the Rents Restriction (Dwelling Houses) Ordinance, 1940, in which a Government officer was ordered by the Court to vacate his premises within twenty days from the date of the judgement in order that the owner might reside therein himself.

Section 8(c) of this Ordinance states :-

"No judgement or order for the eviction of a tenant from a dwelling house to which this Ordinance applies shall be given or made so long as the tenant continues to pay rent at the agreed rate as modified by this Ordinance, and performs the other conditions of the tenancy, except :-

c) on the grounds that the premises are reasonably required by the landlord for the occupation of himself, and the court, judge or execution officer, after considering all the circumstances of the case, including especially the alternative accommodation available for the tenant, considers it reasonable to give such judgement or make such order".

In the case referred to the only alternative accommodation available was beyond the means of the officer concerned. It would appear, therefore, that the words, "including especially the alternative accommodation available" were given insufficient weight.

As, with the approach of Muharram, the majority of Government officials in Gaza are being threatened with legal proceedings by their landlords if they refuse to vacate their houses, I feel that this judgement might be used as a precedent with most regrettable results.

The housing situation, as regards Government officials, is already most acute in Gaza, but this will affect the many officers resident in the Ramle Quarter, where houses were built by landlords who, until the recent improvement in their financial state as a result of employment by the Military, did not intend to live in them themselves.

In view of the present abnormal housing situation I should be grateful if the Government Advocate will be instructed to take up the cases of those Government servants whom the landlords are endeavouring to evict when there is no suitable alternative accommodation available in the town.

A weak point in the Rent Restriction Ordinance is that there is no penalty for landlords evicting a tenant from his house under the plea that he wishes to live in it himself and who then lets it to another tenant.

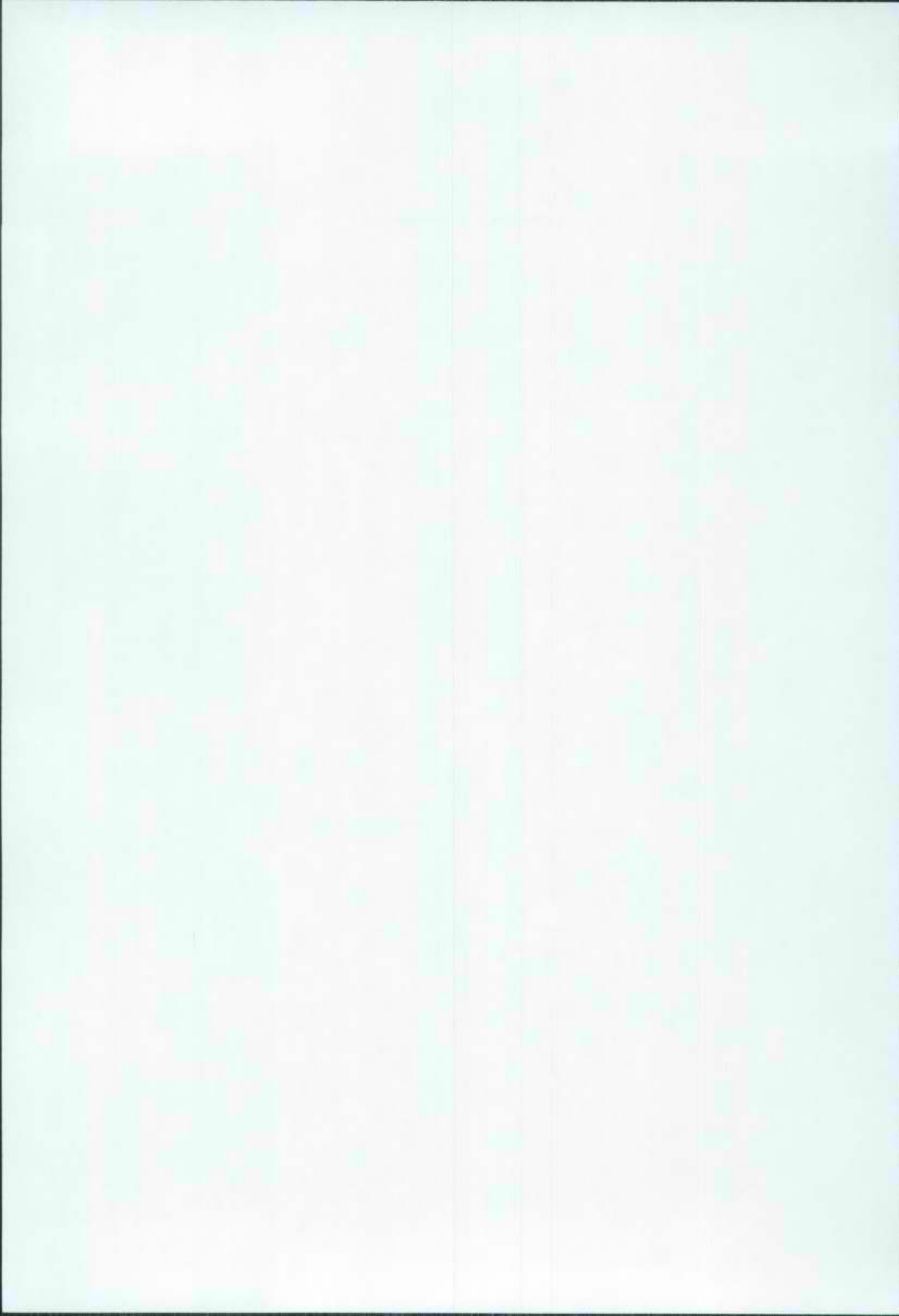
DISTRICT COMMISSIONER,
GAZA DISTRICT,
GAZA.

Y/98/42.

Pauli Bay 8/2

A.G. 9.12.42

R. Bay. 14.12.42



GOVERNMENT OF PALESTINE

C.S.O.

SUBJECT:

Rent Restriction (Dwelling Houses)

Ordinance, 1940.

GAZA.

GPP. 8307-8000-2-7-30-9853.

CONNECTED FILES

NUMBER AND YEAR

SUBJECT

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